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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE – Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

Arizona Corporation Commission

DOCKETED

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

IN THE MATTER OF:

DAVID SHOREY AND MARY JANE SHOREY,
husband and wife,

WESTCAP ENERGY, INC., an Arizona
corporation, dba Westcap Solar,

RESPONDENTS.

DOCKET NO. S-20790A-11-0104

PROCEDURAL ORDER
(Continues Hearing)**BY THE COMMISSION:**

On March 8, 2011, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against David Shorey and Mary Jane Shorey, husband and wife, and Westcap Energy, Inc., an Arizona corporation dba Westcap Solar ("WEI"), (collectively "Respondents") in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of stock. The spouse ("Respondent Spouse") of Respondent David Shorey was joined in the action pursuant to A.R.S. § 44-2031(C) solely for the purpose of determining the liability of the marital community.

On March 11, 2011, the Division filed an amended Notice.

The Respondents were duly served with copies of the amended Notice.

On March 25, 2011, a request for hearing was filed on behalf of David and Mary Jane Shorey and WEI.

On April 7, 2011, by Procedural Order, a pre-hearing conference was scheduled on May 5, 2011.

On May 5, 2011, at the pre-hearing conference, the Division and Respondents appeared through counsel. The parties were discussing a possible resolution of the issues raised by the Notice, but in the interim agreed to a status conference being scheduled in approximately 60 days.

1 On May 13, 2011, a status conference was scheduled on July 28, 2011.

2 On July 28, 2011, at the status conference, the Division appeared with counsel and counsel for
3 the Respondents appeared telephonically. Although the parties were continuing to discuss a
4 resolution of the proceeding, the Division requested that a hearing be scheduled in approximately 120
5 days in the event a Consent Order was not approved by the Commission.

6 On August 3, 2011, by Procedural Order, a hearing was scheduled to commence on December
7 5, 2011.

8 On October 19, 2011, Respondents filed a Motion to Accelerate the hearing due to conflicts
9 which had arisen with the scheduled administrative proceeding due to the subsequent scheduling of
10 matters in federal court in California.

11 On October 20, 2011, the Division filed its response which raised conflicts to the schedule
12 proposed by Respondents, if the proceeding was to be accelerated.

13 On October 25, 2011, during a brief teleconference with counsel for the Division and the
14 Respondents, the parties agreed that the proceeding should be continued to avoid potential conflicts.

15 Accordingly, the hearing should be continued.

16 IT IS THEREFORE ORDERED that the **hearing shall be continued to January 23, 2012, at**
17 **10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, **Room 100**, Phoenix, Arizona.

18 IT IS FURTHER ORDERED that the parties shall also set aside **January 24, 25 and 26,**
19 **2012, for additional days of hearing**, if necessary.

20 IT IS FURTHER ORDERED that **the Division and Respondents shall exchange copies of**
21 **their Witness Lists and copies of their Exhibits by November 1, 2011**, with courtesy copies
22 provided to the presiding Administrative Law Judge, as previously ordered.

23 IT IS FURTHER ORDERED that **if the case is resolved by a proposed Consent Order**
24 **prior to the hearing, the Division shall file a Motion to Vacate the proceeding.**

25 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
26 Communications) applies to this proceeding as the matter is now set for public hearing.

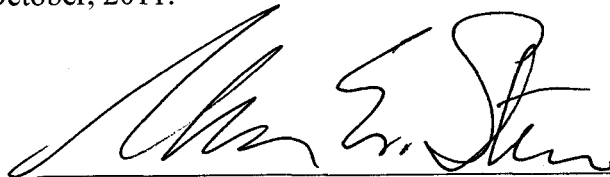
27 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
28 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the

Rules of the Arizona Supreme Court). Representation before the Commission includes appearances at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 25th day of October, 2011.



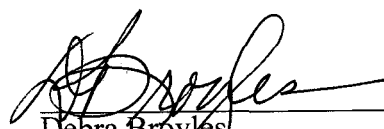
MARC E. STERN
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 25th day of October, 2011 to:

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By: 
Debra Broyles
Secretary to Marc E. Stern